IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 8289 of 2006(J)

PETITIONER:

PREMJI K.K.,
PARALIL,
CLAPPANA NORTH,
CLAPPANA.P.O, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF VIGILANCE,
VIGILANCE HEAD QUARTERS,
THIRUVANANTHAPURAM.

3. CLAPPANA GRAMA PANCHAYATH,
CLAPPANA, KOLLAM, REP. BY ITS SECRETARY.

4. K.V.SURYA KUMAR,
KOCHUNJETTOOR, CLAPPANA.P.O,
VAVVAKKAVU VIA., KOLLAM.

*ADDL. 5. THE DIRECTOR OF PANCHAYATS, DIRECTORATE OF PANCHAYATS, THIRUVANANTHAPURAM

* ADDL. 5TH RESPONDENT IS IMPLEADED SUO MOTU AS PER ORDER DATED 5.2.2007 IN THE WRIT PETITION.

R1, R2 AND ADDL.R5 BY GOVT.PLEADER SRI.K.J.MOHAMMED ANSAR.
R3 BY ADV. SRI.B.MOHANLAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.8289 OF 2006

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF COMPLAINT PREFERRED BY THE 3RD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, KARUNAGAPPALLY DT. NIL.

EXT.P2 – TRUE COPY OF SALE DEED 3073/96 OF KARUNAGAPPALLY SRO DT.9.9.96

EXT.P3 – TRUE COPY OF SALE DEED NO.2560/04 OF KARUNAGAPPALLY SRO DT.19.8.04

EXT.P4 – TRUE COPY OF REPRESENTATION FILED BY PETR. BEFORE R2 DT.9.8.05

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C) No.8289 OF 2006

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DATED THIS THE 5TH FEBRUARY, 2007

J U D G M E N T

Even though detailed pleadings have been raised, I do not propose to consider the merits of the matter. Ext.P4 representation was submitted by the petitioner before the 2nd respondent-Director of Vigilance. The learned Government Pleader Mr.K.J.Mohammed Ansar submits that as usual the Director of Vigilance forwarded that representation to the Director of Panchayats and the present status of the representation is not known.

2. In view of the obvious position that Ext.P4 was received by the 2nd respondent and that he has forwarded the same to the additional 5th respondent-Director of Panchayats, I am of the view that this Writ Petition can be disposed of directing the 2nd respondent and the additional 5th respondent to finalise Ext.P4. Accordingly the Writ Petition will stand disposed of with the following directions:-

The additional 5th respondent will respond to the directions of the 2nd respondent on Ext.P4 which was forwarded by him to the additional 5th respondent within one month of receiving copy of this judgment and the 2nd respondent will, on receiving the response of the additional 5th respondent on Ext.P4, take a final decision on Ext.P4. This he will

do within two months of receiving the report of the additional 5th respondent. The petitioner will be informed of the decision taken on Ext.P4.

(PIUS C. KURIAKOSE, JUDGE)

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